

THE AUTOBIOGRAPHY of A PENNSYLVANIAN

By Samuel W. Pennypacker Pennsylvania's Most Zealous and Energetic Governor



Virginia Earl Broomall, who married Samuel W. Pennypacker October 20, 1870.

CHAPTER V (Continued)

WHEN I married Virginia Earl Broomall, October 20, 1870, I was making from \$1800 to \$2000 a year. At that time I had moved my office to 209 South Sixth street, where I had a room to myself. When I went out I tacked a card on the door. For years I carried my lunch down to the office in my green bag, and I walked from my home at 2002 North Marvins street and later 1540 North Fifteenth street. I settled up the affairs of my uncle, Dr. Samuel A. Whitaker, who owned one twenty-first part of the Phoenix Iron Company, and became his administrator. I was the administrator of the estate of my aunt, Sarah Ann Whitaker, who left about \$70,000, and my grandfather, leaving an estate of \$520,000, made me one of his executors. Among my clients were Focht, Whitaker & Co. and William H. Whitaker & Co., coal merchants; Jacob S. Neafie, the shipbuilder; George H. Sellers, a brother of William Sellers; Wharton Barker, the banker, and William L. Wilson, in his day the leading tile merchant of the city. Wilson employed me by the year and paid me an annual salary of \$100. For him I fought almost everybody of any consequence in the city, including the Pennsylvania Railroad Company, Adams Express Company and the Drexels. He combined most methodical ways with abnormal combativeness. He took exception once to my payment of twenty-five cents for a subpoena without direct authority, and the matter had to be left to arbitration. He kept a book in which he recorded the details of conversation in preparation for lawsuits. Once in a trial he sent me this book, and, much to my surprise, I found renderings of what I had said to him with the dates. The information made me thereafter careful. A Sydney Riddle brought a bill in equity against him in behalf of Colonel William S. Moorehead, and the testimony was taken before Richard S. Hunter, as master, and, as was then the custom, was written out without a stenographer. The case progressed until I put Wilson on the stand and Riddle undertook to cross-examine him. Biddle, a fluent and verbose man, asked a question a page or two long. Wilson had a clothes basket full of papers, every one of which was of the utmost importance, and taking them and his book gave an answer covering twenty pages. Biddle's many efforts to shorten the response simply called forth further explanations. So it continued until the case fell of its own weight. It never reached a decision and never will. Almost needless to add, Wilson finally encountered financial disaster. The last time I heard of him I sent him ten dollars to relieve the immediate want of bread. Perfectly upright and ever meaning well, he was too much given to exactness and detail.

Reminiscences of the Bar

Wharton Barker thought himself worth a million dollars, probably with truth. He did much for me in many ways. I bought the charter and organized for him the Finance Company of Pennsylvania, now one of the most important of our financial institutions. Through him I once represented Baring Brothers, of London, and recovered from the Pennsylvania Railroad Company the value of a lot of stolen bonds. Through him I became one of the pioneers in the construction of trusts. Barker, always alert and energetic, but

a little lacking in the steadiness which comes from cool judgment, was one of the first men in the world to see the possibilities of the development of relations with China, a goal toward which we are now moving, and he secured a sort of concession for the construction of railroads throughout that Empire. In its terms it was so general and vague that I gave him an opinion that it had little or no practical value, and urged him to endeavor to get the Oriental to be more precise. Ma Kie Chang, who was some near relative of Li Hung Chang, came with a retinue to Philadelphia. Psychologically, the interviews were of intense interest. Barker, quick to speak and move and full of nervous energy, beat and beat in vain against the Chinese, who sat there, smooth and polished, but stolid and imperious. They probably knew at the outset just what they wanted to do and what they were unwilling to do, but it required days of prolonged and chafing delay to get from them a real expression of thought, and in the end the expression was of doubtful meaning. However, Barker and the financiers with him—Hamilton Diston, Samuel R. Shipley, president of the Provident Life and Trust Company, a keen personage, and others—concluded they had sufficient, and upon the basis of this concession I organized a trust with a capital of \$20,000,000.

A lawyer sees much of the tragedy of existence. A few years after my admission to the bar I was retained by a man belonging to one of the most respectable of the country families of Bucks County, Pa. His son, a boy about eighteen years of age, had found employment as a clerk in one of the large insurance companies of the city. One day the directors held a meeting at the office of the company. In the course of the meeting the president went to the outer office and gave to this boy the bank book with about \$1500, in notes, to take to the bank of deposit. The meeting was prolonged and it adjourned late in the afternoon the president inquired for the boy and learned that he had not returned. Inquiry and search failed to disclose what had become of him, but it was ascertained that he had not reached the bank. The officers of the company held the theory that he had stolen the money, and they employed detectives and confidentially declared that he would be captured within a few days. At this juncture his relatives, in much distress, came to me. Their view was he had been overcome by footpads, who knew he had a large sum of money, and they blamed the officers for sending him out with it. However, the father, who could not secure so much cash, offered to give a mortgage upon his farm for the amount in settlement, and I made this proposition to counsel of the company. Information from their detectives made officials sure of having both the boy and the money in a few days, and they declined the proposition. Days and weeks rolled by and then they wanted to have it renewed, but in the meantime the anxiety of my clients had to some extent been relieved; they had grown more accustomed to the situation, and they refused. For twenty years the events remained a mystery, and then were disclosed. The boy wrote home. He had never before in his life seen so much money; the opportunity to grasp a fortune lay in his hand; he yielded to the temptation and stole the money. Instinctively he turned toward home. He went to the depot of the North Pennsylvania Railroad Company and bought a ticket for his native village. Then it suddenly occurred to him that he could not be safe there and he turned

on his steps, went to the Pennsylvania Railroad depot and started for the far West. Na cunningly devised plan would have resulted in such success as this impulsive action. The detectives traced him to the North Penn depot and there learned the station for which he had bought a ticket. Then in their wisdom they knew that his relatives were hiding him in Bucks County. They watched accordingly, watched in vain, and so prevented the company from getting the mortgage. Inside of three months he had lost every cent of the money. Then he went to work in a powder mill, where the danger was great and the wages high, and he saved. Then he learned book-binding, prospered and became the head of an establishment. He had changed his name, married, had a family of children and grown rich, and at last he wrote home to pay off the old score with interest.

A Publicist

E. Greenough Platt, a very capable lawyer in the office of John C. Bullitt, and my friend Hollingsworth had undertaken to prepare a third volume of the Index to the English Common Law Reports, which had been commenced years before by George W. Biddle and Richard C. McMurtrie. The task involved much labor, little had been accomplished, and they prevailed upon me with the consent of the publishers to come to their assistance. Thereafter the entire responsibility rested on me. Hollingsworth had completed three volumes of the reports, Platt ten, and I digested the remaining twenty-two volumes, arranged the book, saw it through the press and was permitted to write the preface. Published in 1879, it constituted my first contribution to the literature of the profession. About the time I entered upon this work I became associated with the Weekly Notes of Cases, a lawyers' reporting journal, and aided in the preparation of each one of the forty-five volumes until it closed, having charge of the reports for one of the Common Pleas Courts. There could have been no better training for the bench. For a time the publication was remunerative. It belonged to an association consisting of Albert A. Outerbridge, Judge James T. Mitchell, W. Wynne Wister, Henry Budd, Lawrence Lewis, Jr., and myself. Among the many reporters whom I had on my staff in the course of years two showed unusual capacity—George Harrison Fisher, whom I later met on the council of the Historical Society of Pennsylvania, and Abraham M. Beitler, whom I later met on the bench. Fisher had social standing, and the serious achievement of his life has been to maintain it unimpaired. Beitler, the son of a hotelkeeper on Market street, and the nephew of an old political war horse, Alderman David Beitler, became director of a department under Mayor Stuart, an acceptable Judge in the Court of Common Pleas No. 1, and is now a partner of Samuel Dickson, and has a lucrative corporation practice.

I likewise prepared four volumes of Pennypacker's Supreme Court Reports, for which I received from Rees, Welsh & Co., \$800 a volume, and in which I was much assisted by Albert B. Weimer, a graduate of Harvard University, and a polished young fellow who has since made his mark in the city. After going upon the bench I delivered, in 1892, the annual address before the Law Academy upon the subject of "Pennsylvania Colonial Cases," which I subsequently enlarged into a volume. Horace Binney, in his "Leaders of the Old Bar," had ventured the assertion that prior to the time of William



The two Pennypacker homes in Philadelphia. The first, at the left, is 2002 North Marvins street; at the right, 1540 North Fifteenth street.

Lewis and the Revolution we could never learn anything of the manner of conducting the courts, and Peter McCall, in an address many years before, had regretted that the names of the only four lawyers in the province, whom Sproell monopolized in his contest with Pastorius, had been lost. With much satisfaction I gave reports of about sixty cases, between 1683 and 1703, and added the names of those four lawyers.

During my practice I had four students—Chester N. Farr, Jr., who became private secretary to Governors Hartranft and Hoyt; Stanley Williamson, who died young; William Righter Fisher, who had been a professor in Dickinson College and has since been a professor of law in Temple College, and Joseph Whitaker Thompson, now the United States District Attorney for the Eastern District of Pennsylvania.

When I came to the bar Daniel Dougherty had the reputation of being its orator, but he was only an orator. He had a national reputation. Like so many other American orators, he was an Irishman. I have heard him likened to necessity because of the maxim that "necessity knows no law," but that was an exaggeration of the truth and probably arose from the envy of some commentator less gifted. The first time he made a political speech he fainted and had to be carried from the platform. I once heard him make a powerful appeal to the jury, in an important case, in which he was opposed by William W. Ker, who had only force and experience. When Ker arose he said quietly: "Gentlemen, you are to be congratulated. Those who generally hear Mr. Dougherty listen for an hour at the Academy of Music and pay a dollar for the privilege. You have heard him for four hours for nothing." Ker won the case. Dougherty had a fine presence, side whiskers and a persuasive voice.

More Interesting Incidents

The most eccentric character at the bar was Lucas Hirst. He had offices on Walnut street above Sixth, and at his meals at the same place. Thin, with sandy complexion and red hair, he had a high, rasping voice. Other lawyers kept away from him as much as possible. Not only had he ability and readiness for the encounter, but papers had a habit of disappearing and sometimes they did not remain at the end of the suit as they had been at the beginning. On one occasion he went to the library of the Law Association to examine a report. The attendants were distrustful and hesitated to let him have it. "I will fix you," he threatened, in his shrillest tones. When he died he bequeathed a considerable estate for the purpose of founding a free law library; and no doubt, as years go by and his form and idiosyncrasies are forgotten, his reputation will be assured as a philanthropist and public benefactor. In fact, we find as we examine the mysteries of life that even the worst of men do more good in the world than they do harm. The money which the gambler has cheated to secure and hoarded to preserve goes finally to the building of a chapel. Even if impelled by an unworthy motive, Hirst will have done more in the end to give practical assistance to the lawyers of the future than the most credited, capable and upright of his contemporaries. Moreover, the impulses of the human heart are both complicated and inscrutable, and in all probability Hirst had long been pondering over some method by which he could aid his fellows and gain their good will.

During the course of my practice three men whom I pursued for debt committed suicide—one shot himself, one leaped into the Delaware from a steamboat and the third was found hanging in a barn.

I declined to take cases in the criminal court. My chief reason was that I feared that through lack of skill and experience upon my part some innocent person might be convicted and punished. In pursuing this course I made a mistake, since, except in cases of popular clamor to which timid juries and judges yield, the chances of the conviction of innocence are very slight.

(CONTINUED TOMORROW)



Pennypacker's Mills and the valley in which it rests.

RAINBOW'S END By REX BEACH

Copyright, 1917, Harper & Row. CHAPTER XXIII (Continued) NEITHER the lizards nor the rats were quite as bad as they looked or sounded; the meat of the former was tender and white, while the latter, though strong, was not unpalatable. To hungry men both were very welcome, as Jacket put it. This was not the boys' first experience with such a diet; he was accustomed to the taste of quail, and O'Reilly had been eating it in the West, he lived so long upon these rats that it became impossible to surprise a Spanish enemy, except by approaching up the wind, as a hunter stalks his game. Jacket gravely assured his friend that the Spaniards could not eat his brother patriots from a distance of five kilometers—a statement, by the way, which the American by this time was ready to believe. "Then why have you come all this way?" "I came to find her and to fetch her to her brother." "But you don't understand. She is actually inside the lines. In Matanzas—a prisoner." "Exactly. I intend to go into Matanzas and bring her out." General Betancourt drew back astonished. "My God, man!" he exclaimed, "are you mad?" O'Reilly smiled faintly. "Quite probably. All lovers are mildly mad, I believe." "But how do you mean to go about this?—this impossible undertaking?" "I've thought of it now that I could pass for a Cuban. Well, I am going to put it to the test. If I once get into the city I shall manage somehow to get out again, and bring her with me." "Listen!" The general appraised O'Reilly speculatively. "No doubt you can get in—it is not so difficult to enter, I believe, and especially at one who speaks the language like a native. But to return—I fear you will find that another matter. Matanzas is a place of pestilence, hunger, despair. No one goes there from choice any more, and no one ever comes out." "So I should imagine." The speaker's careless tone added to General Betancourt's astonishment. "Bless me!" he exclaimed. "What an extraordinary young man! Is it possible that you do not comprehend the terrible conditions?" A sudden thought struck him and he looked quickly at O'Reilly. "You are not by any chance that hero they call El Demonio? I have heard that he is indeed a demon. No? Very well; you may wish to visit Matanzas, and I am instructed to help you. How can I do that?" O'Reilly hesitated an instant. "For one thing, I need money. I—I haven't a single peseta." "You are welcome to the few dollars I possess." Johnnie expressed his gratitude for this ready assistance. "One thing more," said he. "Will you give my boy, Jacket, a new pair of trousers and send him back to the camp at the first opportunity?" "Of course. It is done." The general laid a friendly hand upon O'Reilly's shoulder. "It would relieve me intensely to send you back with him, for I have fears for the success of the venture. Matanzas is hell; it has swallowed up thousands of our good countrymen; thousands have died there. I'm afraid you do not realize what risks you are taking." O'Reilly did not allow this well-meant warning to influence him, nor did he listen to the admonitions of those other Cubans who tried to argue him out of his purpose, once it became generally known. On the contrary, he proceeded with his preparations and spent that afternoon in satisfying himself that Rosa had indeed left the Pan de Matanzas before John's raid. Among Betancourt's troops with a man who had been living in the hills at the time Ascenso and his family had abandoned their struggle for existence, and to him O'Reilly went. This fellow, it seemed, had remained with his family in the mountains some time after Ascenso's departure. It was from him that O'Reilly heard his first authentic report of the atrocities perpetrated by Cuba's Volunteers. "This man had lost his wife, his little son and all the scanty belongings he possessed. With shaking hands upstretched to heaven, the fellow cursed the author of his misfortunes." "I live for one thing," he cried, shrilly. "To meet that monster, and to butcher him, as he butchers women and children." "Listen!" O'Reilly purposely left his most important task to the last. When his arrangements had been completed and he had acquainted himself as far as possible with the hazards he was likely to encounter, he took Jacket aside and broke the news to him that on the following morning they must part. As he had expected, the boy refused to listen to him. O'Reilly remained firm and Jacket adopted those tactics which had proved so potent with General Gomez. He began to weep copiously. He worked himself up to a hysterical crescendo which threatened to arouse the entire encampment. But O'Reilly was unmoved. "Be quiet," he told the boy. "I won't let you go with me until that side is lit." "You dasnent leave me," sobbed the youngster. "I got no friend but you." "It will be hard enough for one man to slip through; two would be sure to fail." "Those Spaniards will kill you!" Jacket wailed. "So much the more reason for you to stay here." "At this the boy uttered a louder cry. He stamped his bare feet in a frenzy of disappointment. "You dasnent leave me—you dasnent!" "Listen, people are starving in Matanzas; they are sick; they are dying in the streets." "I don't eat much." "You're a tough kid," he laughed, when Jacket launched himself into a torrent of profanity, the violence of which dried his eyes and left him gasping for breath. He reviled the Spaniards, O'Reilly, himself, everybody and everything; he leveled anathemas at the woman who had come between him and his beloved benefactor. The latter listened good-naturedly. "You're a tough kid," he laughed, when Jacket's first rage had worn itself out. "I like you, and I'd take you if I could. But this isn't an enterprise for a boy, and it won't get you anything to keep up this racket." Jacket next tried the power of argument. He attempted to prove that in a hazardous undertaking of this sort his assistance would be invaluable. He said so he de-

(CONTINUED TOMORROW)